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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,475	04/24/2001	Darren P. Briggs	FATB 1000-1	4509
22470	7590	06/08/2005	EXAMINER	
HAYNES BEFFEL & WOLFELD LLP P O BOX 366 HALF MOON BAY, CA 94019				LIN, WEN TAI
ART UNIT		PAPER NUMBER		
		2154		

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/841,475	BRIGGS ET AL.
	Examiner	Art Unit
	Wen-Tai Lin	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 February 2005.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 and 27-56 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22,27-32 and 34-56 is/are rejected.

7) Claim(s) 33 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-22 and 27-56 are presented for examination. Claims 23-26 are canceled and claims 55-56 are newly added.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  4. Claims 1-29, 32, 34-51 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olivier [U.S. Pat. No. 6480885].
  5. As to claims 1, 19 and 27, Olivier teaches the invention substantially as claimed including: a method of sharing specific knowledge, including:  
registering a user with a registration server to collect and share tracking data corresponding to at least a portion of the user's specific experiences [col.9, lines 18-29; col.24, line 66 – col.25, line 13];

accessing one or more of the user's messaging buddy lists to identify one or more buddies with whom the tracking data may be shared [Abstract]; defining rights of the buddies to access the tracking data [Abstract; 208, Fig.2; 524, Fig.9; i.e., the right of access is defined according to the acceptance criteria]; tracking at least a portion of the user's computer usage experiences and reporting the tracking data to a tracking server; and posting at least a portion of the user's tracking data for the buddies to access according to their defined rights [216, 220, Fig.2; paragraphs #36, 98, 103, 111, etc],

wherein the user utilizes a computer and tracking is carried out by a module resident on the computer [Fig.2] and wherein the computer usage sending tracking data regarding one of a user's computer usage experiences to one or more buddies [216, 220, Fig.2].

Olivier does not specifically teach that the sharing includes computer usage experiences including one or more of browsing URLs, downloading files or visiting a location with a computer device that records the visited location.

However, since Olivier's system is open of any topic that could be emailed through a network, it is obvious that the computer usage experiences could also be a sharing topic among the users, because sharing computer usages, such as "how to browse the Internet" is a subject of common interest [col.18, lines 5-17].

6. As to claims 2-3, Olivier does not specifically teach whether the registration server and the tracking server are a single server or distinct servers.

However, it is well known in art to adopt either a single server or a plurality of servers to perform registration and data tracking (e.g., database management) respectively, depending on the processing load. For the same reasons, it is obvious that Olivier's system may employ either a single server or more than one servers to perform the registration and data tracking tasks because this is a design choice [col.8, lines 61-65].

7. As to claims 4-7, Olivier does not specifically teach excluding collection of the user's e-mail address, actual name, physical address or any information that identifies a user in a manner adapted to direct marketing at the time of registration.

However, Olivier does teach a feature of maintaining the users' privacy by avoiding revealing the users' identity or other information [col.14, lines 34-39; col.15, lines 43-51 and col.17, line 65 – col.18, line 4]. It would have been obvious to one of ordinary skill in the art that such practice could also be apply at the stage of registration because privacy is best maintained by not collecting the unintended items.

8. As to claims 8-9, Olivier establishing an anonymous unique identifier for the user [i.e., since Olivier teaches maintaining the users' privacy by avoiding revealing the users' identity or other information. As such, it is obvious that the IDs appearing along with the posted messages must be anonymous unique identifiers, because they need to be associated with each respective database record [col.6, line 63 – col.7, line7].

9. As to claims 10-15, Olivier does not specifically teach how the messaging buddy list is maintained, i.e., by AOL's Instant Messenger software, MSN Messenger software, Yahoo! Messenger software, America Online's ICQ software, Odigo's instant messenger software, or by Jabber's instant messenger software.

However, Olivier teaches that the method may also apply to group forums, such as web-based discussion boards, chat, online clubs, USENET newsgroups, voice mail, instant messaging, web browsing side channel communities, and online gaming rendezvous.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the various contact lists may be obtained from all the aforementioned programs, because Olivier's criteria-matching method is applicable to group forums that are maintained by these messaging programs.

10. As to claims 16-18, Olivier does not specifically teach how the rights of the buddies are defined; i.e., by content category of the user's computer usage, by appearance of one or more keywords on pages corresponding to URLs viewed, or by activity type of the user's computer usage.

However, Olivier teaches that various group forums can be formed by matching the users' profile data, wherein the preference of topical subjects or any other criteria that may specify a specific group of common interest [see e.g., col.24, line 66- col.25, line 3].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the aforementioned information for defining a special group forum because Olivier's generic method is applicable to specify any such intended group [see e.g., col.24, line 66- col.25, line 3].

11. As to claims 20 and 23, Olivier does not specifically teach that the tracking is carried out by a device placed between a computer utilized by the user and an access point to the Internet.

However, it is well known in the art that user computers may be connected to an intranet having a proxy server intermediating the communication to the Internet, wherein the proxy server also tracks information exchanges between the user computer and the Internet.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the proxy server as a means for tracking the information [e.g., the email message], because by doing so inappropriate information or company proprietary information could be filtered before it is transmitted to the public domain.

12. As to claims 21-22, Olivier further teaches that the computer usage reported is filtered after it is reported to the tracking server and before it is posted for the buddies to access [col.3, lines 57-60; i.e., filtering the archived information into individualized archives, which is the base for reporting].

13. As to claims 24-26, Olivier does not specifically teach that the computer usage includes song listens by the user, video viewings by the user, or purchases by the user.

However, it is well that exchange information about songs listened, video viewed, and products purchased via the Internet, is popular topic in a chat room. It is obvious that these topics could also be criteria for forming Olivier's group forums, because Olivier's method is also applicable to deriving such groups.

14. As to claims 28-29, Olivier does not specifically teach categorizing at least a portion of the tracking data by content and sorting the tracking data by content category, and making the tracking data searchable by content category and date range.

However, since Olivier teaches that a web server creates an individualized set of web pages for a user from the database, containing contributions only from users in his recipient list [Abstract: lines 15-17] and it is also well known that a database normally stores information by content category or at least can be indexed to by the content category, it would have been obvious to have Olivier's database organized in such a way that the content can be sorted or searched by its category and/or data range, because it's common to organize a database as such and by doing so it would facilitate querying the database.

15. As to claim 32, The method of claim 1, wherein posting further includes indexing text portions of at least a portion of pages reported from tracking the user's Internet usage [col.3, lines 23-32 and 57-60].

16. As to claims 34-51 and 53-56, since the features of these claims can also be found in claims 1-29 and 32, they are rejected for the same reasons set forth in the rejection of claims 1-29 and 32 above.

17. Claims 30-31 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olivier [U.S. Pat. No. 6480885], as applied to claims 1-29, 32, 34-51 and 53-54 above, further in view of Stirpe et al. (hereafter "Stirpe") [U.S. PGPub 20020087496].

18. As to claims 30-31, Olivier does not specifically teach that posting further includes providing annotation tools for associating notes and ratings with individual tracking data entries.

However, in the same field of endeavor, Stirpe teaches a knowledge exchange system including an annotation service that allows a trainer or author to annotate web pages during live, self-paced or archived presentations [paragraph 30] and a rating system that is coupled with a search engine for determining the hotness of certain knowledge components.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to also provide an annotation and rating capabilities to Olivier's subscribers because it is common to have various comments during the "discussion" and an annotation tool would facilitate the group members to add additional information (such as rating of a topic or a concerned product) onto the original information.

19. As to claim 52, since the features of this claim can also be found in claims 30-31, it is rejected for the same reasons set forth in the rejection of claims 30-31 above.

20. Claim 33 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. Applicant's arguments filed on 2/10/05 for claims 1-22 and 27-54 have been fully considered but they are not deemed to be persuasive.

22. Applicant argues in the remarks that:

1. Re. claim 1: Olivier does not teach the limitations cited in the claim such as collect and share tracking data regarding a user's computer experience.
2. Re. claims 2-3: the term "tracking server" is not found in Olivier's system.
3. Re. claims 4-7 and 8-9: Olivier expressly teaches providing profile data such as name, address, email address, etc. in registration, which teaches away the limitations recited in these claims.
4. Re. claims 10-15: the buddy lists in these claims require mutual agreement of the users, but Olivier's system relies on a matching server decide with whom a user will communicate.

5. Re. claims 16-18: Olivier's preference profiles do not satisfy the rights definitions as recited in these claims.
6. Re. Claims 21-22: Olivier does not read on the claim because there is no tracking server in Olivier's system and email messages are not filtered before they arrive at an email server if the latter is assumed to be a tracking server.
7. Re. Claims 20 and 28-29: Applicant challenges the examiner's use of common knowledge as part of the rejection rational and requests documental evidence.
8. Re. Claims 30-31: The proposed combination would not meet the limitations because there are no individual tracking data entries in Olivier to annotate, note or rate.
9. Re. Claim 32: Olivier does not teach the limitations as recited in claim 32.

23. Examiner respectfully disagrees with applicant's remarks:

**As to point 1:** it is noted that the server of Olivier's system collects and traces base user profile data, including computer experience level [col.18, lines 9-11] record in a database [col.7, lines 29-38; col.9, lines 18-29], and shares information through, e.g., via message posting [col.25, lines 1-5] among selected registered members. This is a clear indication that the prior art of Olivier reads on claim 1.

**As to point 2:** it is noted that Olivier's system servers [see e.g., Figs. 3B and 7] such as database server and match server, can all be referred to as a tracking

server because of the ability to tracking member's record and activities such as computer experience level, matching criteria and message posting etc.

**As to point 3:** the cited passages at col.14, lines 34-39; col.15, lines 43-51 and col.17, line 65 – col.18, line 4 clearly indicate that Olivier also intents to protect privacy by hiding a user's real identity, address and replacing original email address with email alias, etc. It would have been obvious to one of ordinary skill in the art that for privacy reasons one do not need to reveal his real name, address, and email address in Olivier's registration process.

**As to point 4:** Applicant is directed to passages at col.23, lines 26-56 and col.24, line 66 – col.26, line 3, wherein Olivier clearly teaches formation of certain groups would require users, mutual agreement.

**As to point 5:** It is noted that although Olivier does not use the word "right" for defining the various subgroups. However, Olivier teaches each subgroup is formed with certain characteristics (and thereby certain membership "right" associated with each subgroup [e.g., col.15, lines 52-64]) via user profile and acceptance criteria parameters [col.26, lines 44-65]. More specifically, subgroups defined by content category of the user's computer usage may be formed through user's selection of information subjects [e.g., 414, Fig.4], or using the keywords appeared on Fig.4, which are presented to the users as a web page [col.8, line 66 – col.9, line 13]. As for the subgroup formed by activity type, Olivier various alternative embodiments at col.21 line 50 – col. 26, line 24, with ample discussions on various subgroups that could be formed based on activity type.

**As to point 6:** the cited passage clearly shows filtering of archived information, which is a filtering after the track server (i.e., the database server). It is further noted that pre track server filtering is always performed at the match server [see Fig.7].

**As to point 7:** In response to Applicant's request for supporting examiner's rational in rejecting claim 20, Applicant is directed to paragraph 51 of Chen, et al. [U.S. 20030054810 A1], wherein a proxy server placed between a user device and an Internet access point is used for tracking, filtering and archiving services. As for the rational related to rejection of claims 28-29, Applicant is directed to Olivier's Fig.4 wherein each categorizing at least of a portion of tracking data is performed at the time when a user selects a group to join by clicking either on the subject button [e.g., 414, Fig.4] or entering search key words [e.g., 416, Fig.4]. It is further noted that the claim languages use "tracking data" instead of "tracked data", therefore the categorizing tracking data can occur at the time a subgroup is defined or being selected.

**As to point 8:** Applicant is directed to col.3, lines 57-60, wherein individualized archives are created.

**As to point 9:** Olivier's teaching of creating web pages for individualized contributions and make it searchable, as illustrated in 416 of Fig.4, is a clear indication that the archived text must have been organized [e.g., each web page is associated with a title] to facilitate searching.

For at least the above reason, it is submitted that the prior art of Olivier reads on the claims.

24. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

25. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the

claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969.

The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

June 6, 2005

  
6/6/05